

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

IN THE MATTER OF:

CASE NO. 14-53732

(CHAPTER 13)

CHARLES MICHAEL SHORT

(JUDGE CALDWELL)

Debtor

**MOTION FOR RULE 2004 EXAMINATION AND NOTICE OF FILING**

**PLEASE READ THIS NOTICE CAREFULLY**

**MOVANT HAS FILED PAPERS WITH THE COURT FOR A RULE 2004 EXAMINATION.**

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.**

**IF YOU DO NOT WANT THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION FOR 2004 EXAMINATION, THEN ON OR BEFORE TWENTY-ONE (21) DAYS FROM THE DATE SET FORTH IN THE CERTIFICATE OF SERVICE FOR THE MOTION, YOU MUST FILE WITH THE COURT A RESPONSE EXPLAINING YOUR POSITION BY MAILING YOUR RESPONSE BY REGULAR U.S. MAIL TO CLERK, U. S. BANKRUPTCY COURT, 170 NORTH HIGH STREET, FIRST FLOOR, COLUMBUS, OHIO 43215 OR YOUR ATTORNEY MUST FILE A RESPONSE USING THE COURT'S ECF SYSTEM. THE COURT MUST RECEIVE YOUR RESPONSE ON OR BEFORE THE ABOVE DATE.**

**YOU MUST ALSO SEND A COPY OF YOUR RESPONSE EITHER BY 1) THE COURT'S ECF SYSTEM; OR BY 2) REGULAR U.S. MAIL TO THE ATTORNEY FOR MOVANT, THE U.S. TRUSTEE, AND THE CHAPTER 13 TRUSTEE.**

**IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE 2004 EXAMINATION AND MAY ENTER AN ORDER GRANTING THE MOTION AND ALLOWING THE 2004 EXAMINATION TO PROCEED, WITHOUT FURTHER HEARING OR NOTICE.**

Now comes Nicholas Financial Inc. (“Nicholas”), through its attorney, and respectfully petitions this Court to order a 2004 Examination of Charles Michael Short on **Friday February 13, 2015 at 9:00 A.M. at the offices of Altick & Corwin Co., LPA, One South Main Street, Suite 1590, Dayton, Ohio 45402** and require him to appear at that time and produce the any and all information relating to the location and surrender of the subject 2009 Nissan Murano bearing VIN: JN8AZ18W99W109709. A memorandum in support follows.

Respectfully submitted,

/s/ John G. Jansing  
John G. Jansing #0040926  
ALTICK & CORWIN CO., L.P.A.  
Attorney for Nicholas Financial Inc.  
One South Main Street, Suite 1590  
Dayton, Ohio 45402  
(937) 223-1201 FAX: 223-5100  
E-mail: jansingj@altickcorwin.com

### **MEMORANDUM**

On July 2, 2014, Nicholas filed a Motion for Removal of Stays regarding a 2009 Nissan Murano bearing VIN: JN8AZ18W99W109709 (the “Motor Vehicle”) because Nicholas was unable to verify insurance coverage on the Motor Vehicle. Debtor, Charles Michael Short (“Debtor”) did not respond to the said Motion and the Court entered its Order granting said Motion on July 29, 2014.

Nicholas has attempted to recover the Motor Vehicle from Debtor but has been unable to locate the Motor Vehicle. Debtor has stated that the Motor Vehicle is not in his possession and has given Nicholas a telephone number for Crystal Farrell, the party who allegedly has possession of the Motor Vehicle. However, Debtor refuses to give an address for Crystal Farrell so that Nicholas can recover the Motor Vehicle. Nicholas has been unable to contact Crystal Farrell by telephone. Moreover, Crystal Farrell is not the owner of the Motor Vehicle and was not a party to the Retail Installment Sale Agreement executed by Debtor.

Rule 2004 of the Bankruptcy Rules provides that on Motion of any party in interest, the Court may order examination of any person or party on matters within the scope of Rule 2004(b). The required document production – compelling attendance, time, and place of examination all comply with Rule 2004(c), (d) and (e).

There being nothing short of a Court order that will seemingly result in Debtor's compliance with his duties, the undersigned counsel requests the Court's assistance in procuring information regarding the location and surrender of the Motor Vehicle to Nicholas.

Respectfully submitted,

/s/ John G. Jansing  
John G. Jansing, Attorney for Movant  
ALTICK & CORWIN CO., L.P.A.  
Attorney for Nicholas Financial Inc.  
One South Main Street, Suite 1590  
Dayton, Ohio 45402  
(937) 223-1201 FAX: 223-5100  
E-mail: jansingj@altickcorwin.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 14<sup>th</sup> day of January 2015, a copy of the foregoing Motion for Rule 2004 Examination and Notice of Filing was served on the following registered ECF participants, **electronically** through the court's ECF System at the e-mail address registered with the court:

U.S. Trustee at ustpreion09.cb.ecf@usdoj.gov

Frank M. Pees, Trustee at trustee@ch13.org

Mark Albert Herder, Esq. at Markalbertherder@yahoo.com

And on the following by **ordinary U.S. Mail** addressed to:

Charles Michael Short  
9820 Somerset Road  
Thornville, OH 43076-8361

/s/ John G. Jansing  
John G. Jansing, Atty for Nicholas